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cc: JMS

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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR GARO,

Defendant.

) CR. NO. **CR19 00077 JMS**

) INFORMATION

) [18 U.S.C. § 371 and 18 U.S.C.
) § 922(a)(3)]

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INFORMATION

The U.S. Attorney charges:

GENERAL ALLEGATIONS

1. From in or about and between January 2000 and March 2019, both dates being approximate and inclusive, defendant VICTOR GARO was employed as Supervisory Range Officer by the U.S. Army at Mission Support Element Hawaii, Range Division, U.S. Army Pacific, Schofield Barracks, Hawaii (“the Range”). As part of his duties, GARO worked for the United States Army and engaged in procurement and contracting functions, in order to support the mission of the United States Army. As Supervisory Range Officer, it was GARO’s responsibility to identify and recommend contract vehicles for the U.S. Army to use to meet its contracting requirements for work at the Range. GARO was the most senior DOD employee at the Range. He supervised the entire staff of the Range, consisting of 83 employees. By virtue of his position, GARO had access to sensitive federal procurement information.

2. Company A was formed and registered with the Virginia State Corporation Commission on December 19, 2007. Company A’s principal offices are located in Maine. Company A is a federal contractor that has been awarded multiple government contracts to assist in maintaining U.S. Department of Defense (“DOD”) properties, including the Range at Schofield Barracks. In total,

Company A has received at least \$19 million in DOD contracts for work at the Range.

3. CC-1 was a senior employee at Company A.

4. Franklin Raby was Range Operations Manager at the Range who retired in 2018, and later accepted a job as a Program Manager for Company A.

Count 1
Conspiracy to Commit Bribery
(18 U.S.C. § 371)

The Conspiracy and its Objects

5. Paragraphs 1 through 4 of the General Allegations are re-alleged and incorporated by reference as though fully set forth herein.

6. From in or about and between 2011 and March 2019, both dates being approximate and inclusive, within the District of Hawaii and elsewhere, the defendant, VICTOR GARO, a public official employed by the United States Department of Defense, and others known and unknown, did knowingly and unlawfully combine, conspire, confederate, and agree to commit certain offenses against the United States, namely:

a. Bribery, that is, in return for being influenced in the performance of official acts and being induced to do and omit to do acts in violation of his official and lawful duties, all as opportunities arose, GARO would directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept things of

value, including vehicles, jewelry, firearms, travel expenses, cash, and other things of value, in violation of Title 18, United States Code, Sections 201(b)(2)(A) and (C); and GARO and his co-conspirators took overt acts in furtherance of this conspiracy and to effect its unlawful objects.

7. It was the purpose of the conspiracy for GARO, Company A, and other members of the conspiracy to enrich themselves by exchanging things of value for the awarding of government contracts to Company A.

Manner and Means of the Conspiracy

8. In furtherance of the conspiracy, and to accomplish its objects, the members of the conspiracy, and others known and unknown, used the following manner and means:

a. The members of the conspiracy would, directly and indirectly, corruptly demand, seek, receive, accept and agree to receive and accept things of value;

b. In return for these things of value, the members of the conspiracy used their positions and influence within DOD to advocate for and advance the interests of Company A, as opportunities arose;

c. In return for these things of value, GARO and other public officials recommended that the U.S. Army use particular contract vehicles that GARO knew would make it more likely that the underlying contracts would be

awarded to Company A, and did in fact cause contracts to be awarded to Company A;

d. In return for these things of value, the members of the conspiracy provided Company A employees with proprietary, internal DOD information related to the procurement of DOD contracts.

e. GARO and other members of the conspiracy concealed the conspiracy by falsely certifying compliance with DOD rules and regulations surrounding conflicts of interest.

Overt Acts

9. In furtherance of the conspiracy, and to effect the objects of the conspiracy, GARO committed overt acts within the District of Hawaii and elsewhere, including but not limited to the following:

a. On or about March 8, 2017, CC-1 purchased a 2017 Jeep Rubicon for GARO, through Company B, which is a contracting company owned and controlled by CC-1. GARO later titled the Jeep his own name and arranged to ship it from the mainland to his residence on Oahu. GARO did not pay CC-1 or Company B the value of the vehicle.

b. At various times throughout the conspiracy, CC-1 purchased firearms for GARO and shipped them to GARO's residence on Oahu. GARO did not pay CC-1 the value of the firearms.

c. On or about July 26, 2018, acting in his official capacity, GARO signed a Request for Services Contract Approval Form, which obligated the military to allocate \$12 million for vegetation removal work at Schofield. At the time defendant signed this document, Company A was already doing vegetation removal work at the Range. In this document, GARO falsely certified that his agency had addressed any potential organizational conflicts of interest in the performance of the vegetation removal work, when in reality GARO knew that he himself had a conflict of interest with Company A.

d. In or about 2019, GARO deleted a folder on his computer containing documents related to his work on the Range, with the intent to impede, obstruct, and influence an ongoing criminal investigation into the conspiracy.

Count 2

Unlawful Receipt in State of Residence of Firearm Purchased or Obtained Outside
State of Residence
(18 U.S.C. § 922(a)(3))

In or about January 2019, within the District of Hawaii and elsewhere, the defendant, VICTOR GARO, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18; United States Code, willfully did receive in the State of Hawaii, where he then resided, a Remington 12 gauge shotgun, bearing serial number 8667785-V, said firearm having been purchased for and obtained by the defendant outside the State of

Hawaii, in violation of Title 18, United States Code, Sections 922(a)(3) and 924(a)(1)(D).

FIRST FORFEITURE NOTICE

1. The allegations contained in all paragraphs of Count 1 of this Information are hereby realleged and incorporated herein by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to the defendant that, upon conviction of the offense charged in Count 1 of this Information, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the conspiracy to commit an offense in violation of 18 U.S.C. § 201, which is a “specified unlawful activity” as defined in 18 U.S.C. § 1956(c)(7), including but not limited to the following:

- a. Remington model 700 rifle, serial number B6264673;
- b. Remington .30 cal., AR model R-15 Hunter, serial number R0013213;
- c. Winchester model 70 rifle, serial number 151922;
- d. Remington model 700 rifle, serial number E6670968;

- e. Francotte double barrel 500 nitro express rifle, serial number N62335;
- f. Remington 12 gauge shotgun, serial number 8667785-V;
- g. Kimber MFG INC. .300 BLK rifle, serial number KM47830;
- h. Winchester model 100, 208 cal. rifle, serial number 28889;
- i. Winchester model 43, 218 BEE, serial number 38555A;
- j. Gustav Genschow & Co. 22 long rifle, serial number 13627;
- k. Remington model 700, 30 AR rifle, serial number G6930448;
- l. H. Lawson Co. 650, 30-06 cal. rifle, serial number P54514;
- m. A diamond ring that defendant received from J.W. in or about late 2016, which is believed to be worth approximately \$2,300.00; and
- n. A Harley Davidson motorcycle that defendant received from J.W. in or about 2017, which is believed to be worth approximately \$6,000.00.

3. If any of the property described above, as a result of any act or omission of a defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

SECOND FORFEITURE NOTICE

1. The allegations contained in all paragraphs of Count 2 of this Information are hereby realleged and incorporated herein by reference for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461.

2. The United States hereby gives notice to the defendant that, upon conviction of the offense charged in Count 2 of this Information, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), of any firearm or ammunition involved in or used in any willful violation of Title 18, United States Code, Section 922(a), including but not limited to the following:

- a. Remington model 700 rifle, serial number B6264673;
- b. Remington .30 cal., AR model R-15 Hunter, serial number R0013213;

- c. Winchester model 70 rifle, serial number 151922;
- d. Remington model 700 rifle, serial number E6670968;
- e. Francotte double barrel 500 nitro express rifle, serial number N62335;
- f. Remington 12 gauge shotgun, serial number 8667785-V;
- g. Kimber MFG INC., .300 BLK rifle, serial number KM47830;
- h. Winchester model 100, 208 cal. rifle, serial number 28889;
- i. Winchester model 43, 218 BEE, serial number 38555A;
- j. Gustav Genschow & Co. 22 long rifle, serial number 13627;
- k. Remington, model 700, 30 AR rifle, serial number G6930448;
and
- l. H. Lawson Co. 650, 30-06 cal. rifle, serial number P54514.

3. If any of the property described above, as a result of any act or omission of a defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

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the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

DATED: June 11, 2019, at Honolulu, Hawaii.



KENJI M. PRICE
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District of Hawaii



MARC A. WALLENSTEIN
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United States v. Victor Garo
Information
Cr. No.